

ASSENTED-TO MOTION OF LIBERTY MUTUAL INSURANCE COMPANY TO FILE UNDER SEAL ITS OPPPOSITION TO BLACK & DECKER'S MOTION FOR AN AWARD OF ATTORNEYS FEES WITH RESPECT TO THE ABARCA BOSTIK, ALWELL ASBESTOS, MEDWAY, PENNSYLVANIA BENZENE, PAS FULLON AND PAS OSWEGO SITES ("Liberty Mutual"), hereby moves for leave to file under seal its Opposition to Black & Decker's Motion for an Award of Prejudgment Interest with Respect to the Abarca Bostik, Alwell Asbestos, Pennsylvania Benzene, Pas Fullon, Pas Oswego and Medway sites, because said Opposition, and the accompanying memorandum of law, contain references to documents which were produced by defendants, The

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Black & Decker Corporation, et al. ("Black & Decker"), on a confidential basis pursuant to the Confidentiality Order in this lawsuit.

As grounds for this Motion, Liberty Mutual states as follows:

1. In the Opposition and Memorandum, Liberty Mutual makes reference to, and appends copies as exhibits to its motion papers, of certain documents which were produced on a confidential basis by Black & Decker pursuant to the Confidentiality Order in this case. The parties have agreed to maintain the confidentiality of such documents in any filings with the Court.

2. Accordingly, Liberty Mutual files this Motion to protect the allegedly confidential nature of the Black & Decker documents which, otherwise, would be available for inspection and copying by the general public.

3. Liberty Mutual files this Motion in good faith, and not for the purpose of delay. Black & Decker will not be prejudiced in any manner by Liberty Mutual's request, which is intended to protect Black & Decker's asserted confidentiality interests.

4. Accordingly, pursuant to Local Rule 7.2, Liberty Mutual requests that the Court enter an Order authorizing the sealing of its Opposition to Black & Decker's Motion for An Award of Attorneys' Fees With Respect to the Abarca Bostik, Alwell Asbestos, Pennsylvania Benzene, PAS Fulton, PAS Oswego and Medway sites, together with the accompanying Memorandum of Law.

5. Liberty Mutual requests that the Court maintain the Opposition and Memorandum under seal until this action is closed. At that time, Liberty Mutual

requests that the Opposition and Memorandum be returned to the undersigned counsel.

6. Black & Decker assents to this Motion to file the Opposition and Memorandum under seal.

WHEREFORE, Liberty Mutual Insurance Company respectfully requests that the Court grant this motion and require that the Opposition to Black & Decker's Motion for an Award of Attorneys' Fees and the accompanying Memorandum of Law be kept under seal, and for such other and further relief as this Court deems just and proper.

**LIBERTY MUTUAL  
INSURANCE COMPANY**

By its attorneys,

/s/ Janice Kelley Rowan  
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Dated: November 16, 2004

**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that pursuant to Local Rule 7.1, I spoke with Richard L. Binder, counsel for Black & Decker, on November 16, 2004, and he agreed that this motion could be filed with the assent of the defendants.

/s/ Janice Kelley Rowan

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of November, 2004, I caused a copy of the foregoing Assented to Motion to be served by hand upon Jack R. Pirozzolo, Esq., counsel to defendants, at Willcox, Pirozzolo & McCarthy, P.C., 50 Federal Street, Boston, MA 02110.

/s/ Janice Kelley Rowan

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